

## Message Text

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ACTION DLOS-05

INFO OCT-01 IO-10 ISO-00 AF-06 ARA-06 EA-06 EUR-12 NEA-09

ACDA-05 AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00

CIEP-01 OFA-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01

ERDA-05 FEAE-00 FMC-01 H-02 INR-07 INT-05 JUSE-00

L-02 NSAE-00 NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-03

PRS-01 SP-02 SS-15 USIA-06 OIC-02 /144 W

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TO SECSTATE WASHDC 0000

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FROM USDEL LOS

SUMMARY: COMMITTEE I - PLENARY MET APRIL 25 TO HEAR PROGRESS REPORT OF WORKING GROUP CHAIRMAN AND COMMENTS ON MACHINERY TO FACILITATE PREPARATION OF SINGLE TEXT BY CHAIRMAN. GROUP OF 77 PRESENTED POSITION WHICH WAS LATER AUGMENTED BY LANDBASED PRODUCERS WHO EMPHASIZED NEED FOR PRODUCTION CONTROLS (GROUP'S OFFICIAL STATEMENT DID NOT DEAL WITH ISSUE). MEETING CONTINUED APRIL 28 WITH SU (CI) REP. MAKING DETAILED INTERVENTION ON BEHALF OF CERTAIN DEVELOPED COUNTRIES. END SUMMARY.

1. COMMITTEE I (CI) PLENARY MET APRIL 25 UNDER CHAIRMANSHIP OF PAUL ENGO (CAMEROON) TO HEAR PROGRESS REPORT OF WORKING GROUP BY PINTO (SRI LANKA) AND COMMENTS ON MACHINERY TO FACILITATE PREPARATION OF SINGLE TEXT BY C-I CHAIRMAN.

2A. PINTO OUTLINED PLAN OF WORKING GROUP, CONSISTING

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OF THREE PHASES: CLARIFYING LEGAL CONCEPT OF JOINT

VENTURE; RECONCILING VIEWS TO DETERMINE COMMON GROUND FOR CONSTRUCTION OF JOINT VENTURE; AND REFLECTING JOINT VENTURE CONCEPT IN TREATY ARTICLES. ANONYMOUS PAPER (CAB 12) PRESENTED TO FOCUS DISCUSSION OF BASIC CONDITIONS TAKING ACCOUNT OF L.6, L.7, L.8, L.9 AND L.12 LED TO ATTEMPT TO RECONCILE VIEWS. PINTO EMPHASIZED CAB.12 NOT NEGOTIATED AS COMPROMISE TEXT, BUT EFFORT TO FORM BASIS FOR COMPROMISE. HE FELT NEGOTIATIONS ARE PROCEEDING AS RAPIDLY AS COULD BE EXPECTED.

2B. PINTO OUTLINED TERMS OF CAB.12 AS SEEKING TO ACHIEVE SECURITY OF TENURE, A FAIR RETURN ON INVESTMENTS MADE, MAXIMIZING BENEFITS TO THE AUTHORITY, AND ELABORATING OBJECTIVE CRITERIA FOR RULES AND REGULATIONS TO BE PROMULGATED BY AUTHORITY. ALSO INDICATED DOCUMENT L.7 WAS INSPIRATION OF CAB.12. PINTO SUGGESTED TWO BASIC ISSUES REMAIN OUTSTANDING: USSR PROPOSALS ON RESERVATION OF AREAD (L.12), AND BANKING SYSTEM PROPOSED IN INFORMAL WORKING GROUP. HE SAID EFFORTS ARE CONTINUING TO RECONCILE VIEWS OF CAB.12, AND IMPORTANCE OF MACHINERY TO NEGOTIATION ON BASIC CONDITIONS WAS EVIDENT.

3. PERU REP (DESOTO) PRESENTED POSITION OF GROUP OF 77. HE BEGAN BY CHARACTERIZING CAB.12 AS APPLICABLE ONLY TO CONTRACTUAL JOINT VENTURES WHILE POSITION OF 77 IS THAT AUTHORITY SHOULD HAVE BROAD FLEXIBILITY TO USE OTHER MODALITIES AND MUST EXERCISE DIRECT AND EFFECTIVE CONTROL AT ALL TIMES. US REP. (CI) (RATINER) LATER STATED FOR THE RECORD THAT CAB.12 DOES NOT IN ITS ENTIRETY DEAL EXCLUSIVELY WITH CONTRACTUAL JOINT VENTURES.

4. ON MACHINERY, PERU REP INDICATED AUTHORITY SHOULD HAVE AN ASSEMBLY, COUNCIL, OPERATIONAL ORGAN, AND DISPUTE SETTLEMENT MECHANISM.

4A. THE ASSEMBLY WOULD BE COMPOSED OF ALL MEMBERS, MEET ANNUALLY, ESTABLISH GENERAL POLICY AND GUIDELINES FOR AUTHORITY'S FUNCTIONING, BE THE QTE SUPREME ORGAN OF THE AUTHORITY UNQTE, POSSESS ALL POWERS NOT SPECIFICALLY GIVEN TO OTHER ORGANIS, AND WOULD ACT BY TWO-LIMITED OFFICIAL USE

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THIRDS MAJORITY PRESENT AND VOTING.

4B. COUNCIL WOULD BE SMALLER ORGAN, EXECUTIVE DOBY OF AUTHORITY, MEET ON A PERMANET STANDING BASIS AND TAKE MAIN DECISIONS, INCLUDING THOSE RELATING TO ARTICLE 9 OF REGIME. COUNCIL WOULD AUTHORIZE ANY DIRECT EXPLOITATION BY AUTHORITY AND ANY CONTRACTS WITH OTHR ENTITIES FOR EXPLOITATION. COMPOSITION OF COUNCIL WOULD BE PRI-

MARILY ON BASIS OF EQUITABLE GEOGRAPHICAL REPRESENTATION, BUT TAKING ACCOUNT OF UDE REPRESENTATION OF SPECIAL INTERESTS INVOLVED OR SPECIALLY AFFECTED BY ACTIVITIES IN THE INTERNATIONAL SEABED ARE. 77 REJECT ANY VETO SYSTEM IN COUNCIL, PERMANENT MEMBERS OR WEIGHTED VOTING.

4C. OPERATIONAL ORGAN, CALLED THE NETERPRISE, WOULD BE SMALL EXPERT DOBY TO UNDERTAKE ACTIVITIES UNDER ARTICLE 9, ENTER INTO CONTRACTS OR ASSOCIATIONS REGARDING ACTIVITIES IN AREA AND RELATED ACTIVITIES, AND WOULD BE SUPERVISED BY COUNCIL.

5. PERU REP INDICATED QUESTION OF ADVERSE EFFECTS OF SEABED PRODUCTION ON LAND-BASED PRODUCERS OF METALS FOUND ON SEABED WOULD BE DISCUSSED LATER. (77 HAD NOT BEEN ABLE TO AGREE ON THIS ISSUE DUE TO SPLIT BETWEEN CONSUMERS AND PRODUCERS.) SUBSEQUENTLY, ZAMBIA, CHILE, GUATEMALA, MOROCCO AND OTHERS EMPHASIZED NEED FOR PLANNING COMMISSION TO CONTROL PRODUCTION, WHILE SUBSCRIBING TO 77 POSITION.

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L-02 NSAE-00 NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-03

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FROM USDEL LOS

6. STATEMENTS CONTINUED APRIL 28 WITH US REP (CI) (RATINER) GIVING STATEMENT ON BEHALF OF US AND OTHER DEVELOPED COUNTRIS. US REP (CI) SET FORTH TWELVE CRITICAL ELEMENTS TO BE ACCOMMODATED TO SATISFACTION OF ALL IF SINGLE TEXT IS TO BE VIEWED AS BASIS FOR FURTHER NEGOTIATIONS. THESE ELEMENTS INCLUDED LIMITING COMPETENCE OF AUTHORITY TO ACTIVITIES DIRECTLY RELATED TO EXPLORATION AND EXPLOITATION OF RESOURCES OF INTERNATIONAL AREA; LIMITING POWERS AND FUNCTIONS OF AUTHORITY AND ITS ORGANS TO THOSE EXPRESSLY PROVIDED; BALANCED POWERS AND DECISION-MAKING PROCEDURES IN ASSEMBLY TO RESPECT ESSENTIAL RIGHTS OF SMALLER GROUPS OF MEMBERS WITH MECHANISM TO POSTPONE DECISIONS IF MINORITY WISH TO SEEK ADVICE TO DISPUTE SETTLEMENT ORGANI AS TO LEGALITY OF CONTEMPLATED MEASURES; COUNCIL STRUCTURE RECOGNIZING SPECIAL INTERESTS OF CERTAIN STATES WITH VOTING ARRANGEMENTS TO PROTECT LIMITED OFFICIAL USE

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CRITICAL INTERESTS OF STATES; FUNDAMENTAL RESOURCE POLICIES ELABORATED IN BASIC CONDITIONS WITH CIRCUMSCRIBED PROCEDURE FOR PROMULGATING RULES AND REGULATIONS; EXCLUSIVE COUNCIL MANDATE TO EXERCISE AUTHORITY'S POWERS AND FUNCTIONS RELATING TO EXPLORATION AND EXPLOITATION; THREE SEPARATE TECHNICAL EXPERT COMMISSIONS FOR RULE MAKING, SUPERVISION AND CONTRACTING FUNCTIONS UNDER COUNCIL'S SOLE SUPERVISION; EFFECTIVE DISPUTE SETTLEMENT MACHINERY; SECRETARIAT SUBJECT TO CONFLICT OF INTEREST PROVISIONS OF TREATY AND PENALTIES; SELF-SUFFICIENT FINANCING OF AUTHORITY WITH BORROWING POWER DURING INITIAL YEARS; AND PROVISIONAL APPLICATION.

7. CHAIRMAN PROCEEDING NOW TO DRAFT SINGLE TEXT. COPY OF US STATEMENT POUCHED TO DEPT. ABRAMS

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## Message Attributes

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